

**MINUTES OF THE MEETING OF DECEMBER 22, 2008**

PRESIDENT PRO TEM CASAR: With a Quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call will be given by 1<sup>ST</sup> Ward Member Greg Hawk but before Member Hawk gives the...I mean the Invocation. I would like to have a moment of silence for Roy Gutierrez. He was a lifelong resident of the City of Canton for many years and also he was the Democratic Chairman...the Stark County Democratic Chairman. Roy passed away Saturday evening and if we could just have a moment of silence and then Member Hawk, if you would lead us into....give the invocation, I'd appreciate it.

*MOMENT OF SILENCE FOR ROY GUITERREZ*

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

11 COUNCILMEMBERS PRESENT: (DON CASAR, JOE CARBENIA, MARY CIRELLI, BILL SMUCKLER, GREG HAWK, JAMES GRIFFIN, CHRIS SMITH, TERRY PRATER, DAVID DOUGHERTY, PATRICK BARTON & KARL "BUTCH" KRAUS)

ELEVEN COUNCIL MEMBERS PRESENT. MEMBER THOMAS WEST & PRESIDENT SCHULMAN ABSENT

PRESIDENT PRO TEM CASAR: And now Madame Clerk, we will have roll call.

CLERK TIMBERLAKE: Eleven present, Mr. President.

*The regular meeting of Canton City Council was held on Monday, December 22, 2008 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 1 Council Member Greg Hawk, the Pledge of Allegiance led by President Pro Tem Don Casar.*

**AGENDA CORRECTIONS & CHANGES**

MEMBER CARBENIA: Mr. President, I move Rule 22A be suspended to add second readings 5 through 9 and including 9, but #8 will be held in Committee.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend Rule 22A and add Ordinances 5 through and including #9, and excluding 8 to this evening's Agenda. Are there any remarks? If not roll call please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT PRO TEM CASAR: Rule 22A has been suspended the Ordinances are now a legal part of the agenda.

**PUBLIC HEARINGS**

PRESIDENT PRO TEM CASAR: We are under Public Hearings, and we have one public hearing this evening. And it's AN ORDINANCE TO AUTHORIZING CANTON TO ANNEX A TERRITORY KNOWN

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AS THE KEY BANK ANNEXATION AREA CONTAINING APPROXIMATELY 2.5217 ACRES; AND DECLARING THE SAME TO BE AN EMERGENCY; PLANNING COMMISSION RECOMMENDS APPROVAL; ASSIGNING SAID TERRITORY TO WARD 3 OF THE CITY; ZONING SAID TERRITORY AS B-3 (GENERAL BUSINESS). Is there anyone in the audience wishing to speak for or against this zone change, I mean this Annexation. Is there anyone in the audience wishing to speak for or against? Is there anyone in the audience wishing to speak for or against? If not, this Ordinance will be....will be dealt with Ordinance #10 later on in this evening's agenda.

**PUBLIC SPEAKS**

PRESIDENT PRO TEM CASAR: We are now under Public Speaks. We have one individual signed up. Ron Newman please come forward and give your name and address. Mr. Newman? Okay that was the only speaker we had. Let the record reflect that Mr. Newman was not present when his name was called.

**INFORMAL RESOLUTIONS**

PRESIDENT PRO TEM CASAR: We are under Informal Resolutions, Member Carbenia would you please excuse President of Council Schulman and 2<sup>nd</sup> Ward Councilman, Thomas West.

MEMBER CARBENIA: Yes, Mr. President, I move we excuse President of Council Schulman and Member West from tonight's meeting.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It has been moved and seconded to excuse Member West and President Schulman from tonight's meeting. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM CASAR: Member's West and President Schulman are duly excused from this evening's meeting.

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: I move we adopt Resolution #104.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Resolution 104. Are there any remarks? Just a minute, Member Carbenia, the Clerk must read that Resolution by title first.

MEMBER CARBENIA: Oh okay.

#104. COUNCIL AS A WHOLE: RECOMMEND THE NEW FEDERAL COMPLEX BE NAMED THE RALPH REGULA BUILDING. - ADOPTED

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MEMBER CARBENIA: Mr. President, I'd like to reiterate that we adopt Resolution #104.

MEMBER CIRELLI: Seconded

PRESIDENT PRO TEM CASAR: It has been moved and seconded to adopt Resolution #104. Are there any remarks? If not by voice vote, all those in favor signify by saying yea, those opposed nay. The yeas have it and Resolution #104 is adopted.

NO REMARKS      RESOLUTION #104 PASSED UNANIMOUSLY BY VOICE VOTE

**COMMUNICATIONS**

PRESIDENT PRO TEM CASAR: We are now under Communications. Let the journal show that all communications are received as read.

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED DECEMBER 22, 2008.***

494.      MAYOR WILLIAM HEALY II: REQ APPT OF DANNY THOMPSON TO CANTON CITY PLANNING COMMISSION FOR RETRO TERM 9/24/08 - 12/31/09. - PERSONNEL COMMITTEE

495.      MAYOR WILLIAM HEALY II: REQ RE-APPT OF LARRY BELL TO FAIR HOUSING COMMISSION FOR 5 YR TERM 1/1/09 - 12/31/14. - PERSONNEL COMMITTEE

496.      MAYOR WILLIAM HEALY II: REQ APPT OF MONIQUE R. MOORE TO FAIR HOUSING COMMISSION FOR RETRO TERM 8/1/08 - 7/31/13. - PERSONNEL COMMITTEE

497.      MAYOR WILLIAM HEALY II: ADVISING OF APPT OF TOM ASCANI SR TO CIVIL SERVICE COMMISSION TO REPLACE PETER FERGUSON FOR TERM 1/1/09 - 12/31/13. - RECEIVED & FILED

498.      SERVICE DIRECTOR BERNABEI: REQ TO ADVERTISE, RECV BIDS, & ENTER INTO CONTRACT FOR UTILITY RELOCATION & SITE DEMO FOR CANTON FEDERAL CENTER PROJECT. - FINANCE & PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT PRO TEM CASAR: We are now under First Reading of Ordinances. Let the Journal show that all Ordinances are being given their reading as required by State Law. Madame Clerk would you please read the Ordinance by title only.

***NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #4 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.***

#1.      (1<sup>ST</sup> RDG)      AN ORDINANCE APPROVING AND ACCEPTING DEDICATION PLAT OF A PORTION OF CLEVELAND AVENUE S.; APPROVING AND ACCEPTING THE REPLATting OF PARTS OF OUT LOTS 488 AND 489; AND DECLARING THE SAME TO BE AN EMERGENCY

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Referred to Public Safety and Thoroughfares Committee

#2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH WARREN FIRE EQUIPMENT, INC. IN AN AMOUNT NOT TO EXCEED \$90,686.71 FOR THE PURCHASE OF TURNOUT GEAR PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$7,445.64 TO NORTHSTAR ASPHALT, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#4. (1<sup>ST</sup> RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE CENTRAL ALLIED ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Annexation Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT PRO TEM CASAR: We are now under Ordinances for their second reading. Madame Clerk, would you please read Ordinance #5 by title only.

***NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #5 THROUGH #9 WITH THE EXCEPTION OF ORDINANCE #8 WHICH WAS RETAINED IN COMMITTEE, FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

#5. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 188/2008** AN ORDINANCE REAFFIRMING THAT THE CITY OF CANTON WILL PICK UP THE STATUTORILY REQUIRED EMPLOYEE RETIREMENT CONTRIBUTIONS TO THE OHIO PUBLIC EMPLOYEE RETIREMENT SYSTEM FOR CANTON CITY EMPLOYEES PURSUANT TO IRC SECTION 414 (h)(2) ON A PRETAX BASIS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Yes, Mr. President, I move we adopt suspend the Statutory Rules on Ordinance #5.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend the Statutory Rules on Ordinance #5. Are there any remarks? If not by roll call please.

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM CASAR: You've heard the second reading of Ordinance #5...you've heard the three

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readings of Ordinance #5, is there a move to adopt?

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #5.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #5. Are there any remarks? If not by roll call please, all those in favor signify by saying aye. Those opposed, nay.

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#5 ADOPTED AS ORDINANCE NO. 188/2008**

PRESIDENT PRO TEM CASAR: Ordinance #5 has been adopted. Ordinance #6 Madame Clerk, by title.

#6. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 189/2008** A RESOLUTION OBJECTING TO THE RENEWAL OF SIX LIQUOR PERMITS LOCATED WITHIN THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Yes, Mr. President, I move we suspend the Statutory Rules on Ordinance #6.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend the Statutory Rules on #6. Are there any remarks? If not, roll call please.

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM CASAR: You've heard the three readings of Ordinance #6. Are there any remarks?

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #6.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #6. Are there any remarks? If not, roll call please.

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#6 ADOPTED AS ORDINANCE NO. 189/2008**

PRESIDENT PRO TEM CASAR: Ordinance #6 has been adopted. Ordinance #7, Madame Clerk.

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#7. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A LEASE AGREEMENT WITH PHIL CAPRI FOR THE LEASE OF PROPERTY LOCATED AT 903 12<sup>TH</sup> STREET NW; AND DECLARING THE SAME TO BE AN EMERGENCY

#8. (2<sup>ND</sup> RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH DIVERSITY MATTERS TO CONDUCT DIVERSITY TRAINING FOR THE POLICE AND FIRE DEPARTMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

#9. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 190/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ARCADIS US, INC. FOR THE DEVELOPMENT OF A COMPUTERIZED MAPPING SYSTEM OF THE CITY'S SANITARY AND STORM SEWERS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Yes, Mr. President, I move we suspend the Statutory Rules on Ordinance #9.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend the Statutory Rules on #9. Are there any remarks? If not, roll call please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM CASAR: You've heard the three readings of Ordinance #9. Is there a move to adopt?

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #9.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #9. Are there any remarks? If not, roll call please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#9 ADOPTED AS ORDINANCE NO. 190/2008**

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

PRESIDENT PRO TEM CASAR: We are now under Ordinances for their third and final reading. Madame Clerk, please read Ordinance #10 by title.

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#10. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 191/2008** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE KEY BANK ANNEXATION AREA CONTAINING APPROXIMATELY 2.5217 ACRES; ASSIGNING SAID TERRITORY TO WARD 3 OF THE CITY; ZONING SAID TERRITORY AS B-3 (GENERAL BUSINESS); AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 12/22/08 @ 7:30 P.M.**

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance 10.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #10. Are there any remarks? If not by roll call, please.

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#10 ADOPTED AS ORDINANCE NO. 191/2008**

PRESIDENT PRO TEM CASAR: Ordinance #10 has been adopted. Ordinance #11 Madame Clerk.

#11. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 192/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT MODIFICATION WITH HAMMONTREE & ASSOCIATES, LIMITED, CONSULTING ENGINEERS IN AN AMOUNT NOT TO EXCEED \$31,046.00 FOR ADDITIONAL DESIGN IMPROVEMENTS TO THE PARK ROAD AND FULTON ROAD N.W. INTERSECTION; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #11.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #11. Are there any remarks? If not by roll call, please.

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#11 ADOPTED AS ORDINANCE NO. 192/2008**

PRESIDENT PRO TEM CASAR: Ordinance #11 has been adopted. Ordinance #12 Madame Clerk.

#12. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 193/2008** AN ORDINANCE ADOPTING TEMPORARY APPROPRIATIONS FOR THE OPERATING AND CAPITAL EXPENDITURES OF THE CITY OF CANTON, OHIO, FOR FISCAL YEAR 2009; AND DECLARING THE SAME TO BE AN

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EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #12.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #12. Are there any remarks? If not by roll call, please.

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#12 ADOPTED AS ORDINANCE NO. 193/2008**

PRESIDENT PRO TEM CASAR: Ordinance #12 has been adopted. Ordinance #13 Madame Clerk.

#13. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 194/2008** AN ORDINANCE CREATING AN INCENTIVE/BUYOUT PROGRAM FOR ELIGIBLE FULL-TIME CITY EMPLOYEES; AUTHORIZING THE AUDITOR TO ESTABLISH THE INCENTIVE/BUYOUT PROGRAM CLEARING FUND; AMENDING SECTION 181.14, ALLOCATION OF FUNDS, OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #13.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #13. Are there any remarks? If not by roll call, please.

NO REMARKS      ROLL CALL: 10 YEAS, 1 ABSTAIN, 0 NAYS

(MEMBER CIRELLI ABSTAINED)

CLERK TIMBERLAKE: Ten yeas, one abstain, Mr. President.

**#13 ADOPTED AS ORDINANCE NO. 194/2008**

PRESIDENT PRO TEM CASAR: Ordinance #13 has been adopted. Ordinance #14 Madame Clerk.

#14. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 195/2008** AN ORDINANCE SUSPENDING WAGE INCREASES FOR MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance 14.



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MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #14. Are there any remarks? If not by roll call, please.

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

MEMBER CARBENIA: *When his name was called for roll call:* I really don't want to do that, but aye.

CLERK TIMBERLAKE: Eleven yeas, Mr. President, barely.

**#14 ADOPTED AS ORDINANCE NO. 195/2008**

PRESIDENT PRO TEM CASAR: I really don't want to say it but Ordinance #14 has been adopted.

MEMBER CARBENIA: Mr. President, if I could have a....

PRESIDENT PRO TEM CASAR: Pardon me?

MEMBER CARBENIA: The privilege just to say....

PRESIDENT PRO TEM CASAR: Yes, what's your privilege?

MEMBER CARBENIA: None of us wanted to pass, including the Administration, I mean, I really don't want to put that on them because they worked hard to try to do what they can with...with the budget but also on top of that, it's temporary.....

PRESIDENT PRO TEM CASAR: Member Carbenia, I appreciate your remarks but that should have been said before the vote so, we'll move on.

MEMBER CARBENIA: I know it's over, it's over...you jumped into it fast.

PRESIDENT PRO TEM CASAR: Ordinance #15.

#15. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 196/2008** AN ORDINANCE PROVIDING FOR THE ISSUANCE OF A NOTE BY THE CITY OF CANTON IN ANTICIPATION OF THE COLLECTION AND PAYMENT OF CITY INCOME TAXES, GENERAL PROPERTY TAXES, AND MISCELLANEOUS OTHER SOURCES TO THE CITY OF CANTON; DECLARING THE NECESSITY OF THE ISSUANCE OF SAID NOTE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt 15.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #15. Are there any remarks? If not by roll call, please.

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NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#15 ADOPTED AS ORDINANCE NO. 196/2008**

PRESIDENT PRO TEM CASAR: Ordinance #15 has been adopted. Ordinance #16 Madame Clerk.

#16. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 197/2008** AN ORDINANCE PROVIDING FOR THE ISSUANCE OF A NOTE BY THE CITY OF CANTON IN ANTICIPATION OF THE COLLECTION OF REFUSE COLLECTION RECEIPTS; DECLARING THE NECESSITY OF ISSUANCE OF SAID NOTE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance 16.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #16. Are there any remarks? If not by roll call, please.

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#16 ADOPTED AS ORDINANCE NO. 197/2008**

PRESIDENT PRO TEM CASAR: Ordinance #16 has been adopted. Ordinance #17 Madame Clerk.

#17. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 198/2008** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION TRANSFERS AND REDUCTIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: I move we adopt Ordinance #17.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #17. Are there any remarks?

MEMBER CARBENIA: Mr. President, I move we amend Ordinance....I rule 36 that I move that the Agenda be #17 replace Exhibit A to the Ordinance and pending before the Council, everybody has a copy of it.

MEMBER CIRELLI: Seconded

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**AMENDMENT:** *PURSUANT TO RULE 36, I MOVE TO AMEND AGENDA ITEM NO. 17 BY REPLACING EXHIBIT A ATTACHED TO THE ORDINANCE CURRENTLY PENDING BEFORE COUNCIL WITH THE ATTACHED EXHIBIT A.*

PRESIDENT PRO TEM CASAR: It's been moved and seconded to amend Ordinance #17. Are there any remarks? If not, all those in favor signify by saying aye. Those opposed nay.

NO REMARKS      AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM CASAR: The Ordinance has been amended. Do I have a motion to adopt Ordinance as amended.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance 17 as amended.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #17 as amended. Are there any remarks? If not roll call please.

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

**#17 ADOPTED AS AMENDED AS ORDINANCE NO. 198/2008**

PRESIDENT PRO TEM CASAR: Ordinance #17 as amended has been adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM CASAR: Announcement of Committee meetings please.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM CASAR: Member Hawk.

MEMBER HAWK: Finance Committee will meet at 6:30, Monday, January 5, 2009.

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM CASAR: Member Smuckler.

MEMBER SMUCKLER: Annexation will meet same time same place.

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM CASAR: Mr. Prater.

MEMBER PRATER: Personnel will meet same time same place.

PRESIDENT PRO TEM CASAR: Member Kraus.

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MEMBER KRAUS: Public Safety and Thoroughfares, 6:30 on the 5<sup>th</sup>.

**PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)**

PRESIDENT PRO TEM CASAR: We are now under Public Speaks. Is there anyone in the audience wishing to speak? I don't have the sheet...I'm sorry. No one signed up for public speaks.

**MISCELLANEOUS BUSINESS**

PRESIDENT PRO TEM CASAR: We are now under Miscellaneous Business. I would like to say before we go to Miscellaneous Business, I would like to take this opportunity to wish everyone present, the residents of the City of Canton, the Administration and Council Members, a very Merry Christmas and a Happy New Year and a Happy Hanukkah and I hope that the season is good to all of us and next year will be better than this year and Peace on Earth and good will to all. Is there any other Miscellaneous Business? Mary.

MEMBER CIRELLI: Mr. President, question to the Law Director. Mr. Martuccio, I have before me, and maybe you seen it and maybe you didn't, it was in December 20<sup>th</sup>, an article about the smoke detectors that I had spoke about....the ten year, and actually the City of Pittsburgh is giving them away free to their people and installing them for them. So if I might give this to you sir in try and encourage you to see if we can get this done for the community. I would really....that would be a very nice Christmas present sir. Thank you sir.

MEMBER CARBENIA: If I may, Mr. President. Oh, anyway. *(Laughter)*

PRESIDENT PRO TEM CASAR: Oh, Member Carbenia, I'm sorry.

MEMBER CARBENIA: I just want to say that the Fire Department does pass out those alarms and they do a pretty good job of it. They've went out and installed them at different times, so. I think it is a good program to catch the people that work, didn't have them before. But we have to see what it costs, right Mr. Bernabei.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CASAR: Is that you again Member Cirelli?

MEMBER CIRELLI: Yes sir. *(Laughter)*

PRESIDENT PRO TEM CASAR: Member Cirelli.

MEMBER CIRELLI: Thank you sir. I appreciate Member Carbenia bringing up that the Fire Department does go out and install smoke alarms. However, these are the lithium...they are photo electric detectors with a ten year life lithium battery. And they cannot remove the batteries. Unfortunately, the ones that the Fire Department does put out, and God Bless them for doing so, those can be removed and at times they are removed and these cannot be removed. And so it's a better safety feature. So I just want to bring that up. So thank you very much sir.

PRESIDENT PRO TEM CASAR: Thank you Member Cirelli. Is there any other Miscellaneous Business? Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adjourn.

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MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adjourn. Roll call please.

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT PRO TEM CASAR: And don't forget, we do not have a Council Meeting next Monday, the 29<sup>th</sup>. See you January 5<sup>th</sup>.

MEMBER CARBENIA: Happy Holidays to everybody.

ADJOURNMENT TIME: 8:02 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

DON CASAR  
PRESIDENT PRO TEM